



Attorney Docket No. AVMX-012/01US

PATENT

Express Mail Label Number:
Date of Deposit:

EV 316175793 US
December 11, 2003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of MELIKIAN-BADALIAN,
Anita

Examiner: Coleman, Brenda Libby

Serial No.: 09/976,929

Art Unit: 1624

Confirmation No.: 2050

Filed: October 11, 2001

For: ARYL-INDANE COMPOUNDS

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL OF RESPONSE

Enclosed are the following documents in response to the Restriction Requirement mailed July 11, 2003 for the above-identified application:

- ☒ [X] Response to Restriction Requirement
- ☒ [X] Petition for Extension of Time
- ☒ [X] Return Postcard

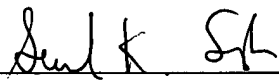
- ☒ [X] Please charge \$ 1,480.00 to Deposit Account No. 03-3117 for the total fee.
This paper is being submitted in duplicate.

The Commissioner is hereby authorized to charge any appropriate fees under 37 C.F.R. §§1.16, 1.17, and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 03-3117.

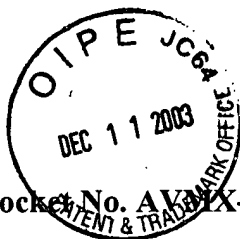
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Respectfully submitted,
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RESPONSE TO RESTRICTION REQUIREMENT AND ELECTION OF SPECIES UNDER 37 CFR § 1.143

In response to the Restriction Requirement mailed on July 11, 2003, in connection with the captioned application, Applicants elect to prosecute the claims of Group II drawn to the compounds, compositions and methods of use of the compounds of Formula I where R_1 and/or R_2 are piperazines classified in class 544 (Claims 1-3 and 5-35) without traverse. Applicants further elect under 35 U.S.C. § 121 1-benzyl-4-{2-[3-(3,4-dimethoxyphenyl)-5,6-dimethoxy-2-methoxymethyl-indan-1-yl]-ethyl}-piperazine as a single species for initial examination on the merits. Provisionally elected Claims 1, 6-13, 15-17 and 19-35 read on the elected species.

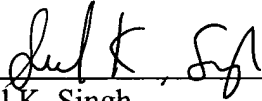
The species election is being made solely to facilitate examination and Applicants are entitled to consideration of other species upon allowance of a generic claims. Applicants respectfully submit that all pending Claims of the captioned Application satisfy all requirements for patentability and are in condition for allowance. Therefore, the Applicants respectfully request a Notice of Allowance for this Application. Accompanying this response is a Petition for Extension of Time containing a provision for payment of the fee extending the period for response by four months, to and including, December 11, 2003. No fee is believed due beyond

the extension fee filed concurrently herewith. However, if it is determined that additional fees are due, please charge them to Deposit Account No. 03-3117.

Dated: December 11, 2003

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